

Application No.: 10/588,879
Reply to Office Action of: May 21, 2008

REMARKS

Applicant is submitting this paper in response to the Restriction Requirement dated May 21, 2008. Claims 1-31¹ are in fact pending although only claims 1-29 are indicated here. As pointed to in the footnote, there was an error in numbering the claims in the original submission of these claims. For the purpose of this response, to avoid confusion with election of the claims, the undersigned has not renumbered the claims. The undersigned requests the Examiner's permission to renumber the claims and absent any communication from the Examiner, will address the renumbering by filing a preliminary amendment to correct this obvious error.

As a basis of this restriction requirement, the Examiner points to two inventions (I and II) that are related as subcombinations, disclosed as being usable together in a single combination. Claims 1-21 (Group I) are apparently drawn to input/output access regulation, which is classified in class 710, subclass 36. Claims 22-30 (Group II) are drawn to management of access control, which is classified in class 726, subclass 6.

The Examiner indicates that the subcombinations are distinct from each other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

¹ Office Action Summary page indicates claims 1-30 pending. In the original submission (part of the specification), claims 1-29 were submitted. However, in reviewing this submission, it is noted that two distinct claims are designated as claim 15 and two distinct claims are designated as claim 28. Therefore, there are 31 claims pending.

Application No.: 10/588,879
Reply to Office Action of: May 21, 2008

In the instant case, invention I has separate utility such as granting access to an object in an operating system, and invention II has separate utility such as determining, identifying and placing an object into a corresponding protection domain. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the Examiner believes that restriction for examination purposes as indicated in proper.

Applicant hereby provisionally elect to proceed with the claims of Group I, that is, claims 1-21. This election is made with traverse. The reason for traverse is simply that Applicants believe that a search and examination of the claims categorized under Groups I and II of the instant application can be made without serious burden, assuming that the claims describe independent or distinct inventions in the first place. See M.P.E.P. 803.01.

If the Examiner still feels that a restriction requirement is appropriate, Applicants respectfully request that the claims of Groups II are withdrawn from further consideration, and

Application No.: 10/588,879
Reply to Office Action of: May 21, 2008

that examination proceed with respect to the claims of Group I. Applicant reserves the right to amend the claims of Group II to fall within the classification of Group I and to introduce them in a subsequent submission. Applicants respectfully submit that the present application is now in condition for examination. Applicants respectfully solicit early allowance.

Respectfully submitted,
BERRY& ASSOCIATES P.C.

Dated: September 22, 2008

By: /Reena Kuyper/
Reena Kuyper
Registration No. 33,830

9255 Sunset Blvd., Suite 810
Los Angeles, CA 90069
(310) 247-2860